

BOARD OF PARDONS

Q. How do inmates get out of Prison?

A. Pursuant to the Utah Constitution and the Utah Code, the Board is the sole authority in Utah to determine whether an offender will be released from prison earlier than the maximum (expiration) of any imposed sentence. If the Board decides to release an offender prior to expiration, the Board determines whether to parole the offender or terminate his/her sentence. The Board also determines any conditions of parole, and makes any amendments to conditions of parole. The Board also has the authority to commute or reduce sentences; impose or remit restitution, fines and forfeitures; terminate the sentence of an inmate or parolee, short of sentence expiration; pardon offenders (except in cases of treason or impeachment); issue warrants of arrest for parole violations; impose sanctions for parole violations; revoke parole and return parolees to prison; and conduct evidentiary hearings

Q. Who comprises the Board of Pardons and Parole?

A. Members of the Board of Pardons and Parole are appointed by the Governor, with confirmation from the legislature. Members generally possess expertise in the areas of law, corrections and mental health. There are five full time members of the Board and five part-time members. The Board is a separate entity from the Department of Corrections and while they receive recommendations from the various departments within Corrections, decisions by the Board are an independent matter. Similarly, the Board has no direct authority over the various functions of the Department of Corrections.

Q. When does an offender appear before the Board of Pardons and Parole?

A. Within six months of commitment to prison the Board will give notice of the month and year in which the inmate's original hearing will be conducted. Inmates who are sentenced to death or life without parole are not granted an original hearing.

When a sentence arises from a death (i.e. homicide, manslaughter, etc.), the Board will determine a month and year for the original hearing, pursuant to an administrative review conducted by the Board upon an inmate's commitment to the prison. The Board, in setting an original hearing in such cases, will consider the nature of the offense, the sentence(s) imposed; and any aggravating or mitigating circumstances known to or presented to the court at sentencing.

For all other cases, the following schedule applies:

1st Degree Felonies:

Greater than 15 Year Minimum:	OH after 15 years incarceration.
10 – 15 Year Minimum:	OH after 7 years incarceration.
Less than 10 Year Minimum:	OH after 3 years incarceration.

2nd Degree Felony (sex offenses): OH after 18 months incarceration.

2nd Degree Felony (non-sex offense): OH after 6 months incarceration.

3rd Degree Felony (sex offense): OH after 12 months incarceration.

3rd Degree Felony (non-sex offense): OH after 3 months incarceration.

Class A Misdemeanors: OH after 3 months incarceration.

The Board will not deviate from this schedule of hearings except in extreme and rare

circumstances, such as those involving the health of the offender, which would prevent holding the hearing as scheduled.

Q. How much time do inmates usually serve?

A. There is no “usual” amount of time an offender will serve. Each case is reviewed on an individual basis. The Board will consider the following factors in setting the length of sentence: the nature of the offense, prior criminal history, institutional progress, any mental health or psychological evaluations, recommendations from the sentencing judge and prosecutor, and letters from the victim, family and other interested parties.

The goals of the Board in setting a release date are: 1) determining an appropriate sentence for the crime; 2) protecting the community and the victim from further harm or risk; and, 3) encouraging the rehabilitative efforts of the offender. The decisions require careful weighing of the information in determining what is best for all concerned.

The Board uses guidelines designed to assist them in making a decision. However, the Board is not bound by these guidelines or any recommendations submitted to them in the process of gathering information on the offender. Board decisions are final and cannot be appealed.

Q. Can I attend a Board of Pardon's hearing?

A. All Board of Pardons and Parole hearings are open to the public. Anyone may attend as long as they are allowed on prison property. Current and former offenders may be denied access to such a hearing, as well as anyone who cannot produce a valid ID or has outstanding warrants. The news media is also allowed access to hearings of the Board.

Q. Can I speak on behalf of the inmate at the hearing?

A. No. The only individuals allowed to comment during a hearing are the offender and any victim(s) of record. If you have information you feel the Board should consider, you may submit such in written form to the Board prior to the hearing.

Q. Will I be permitted to visit with the inmate after the hearing?

A. Under specific circumstances, special visits may be granted. However, arrangements must be made in advance of the hearing or it will be denied.

Q. How do I learn more about the Board of Pardons?

A. You may contact the Board of Pardons and Parole at (801)-261-6464 or write them at the following address:

Board of Pardons
448 East 6400 South, Suite 300
Murray, UT 84107
Web address: www.bop.utah.gov.